

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT OFFICE**

**DECISION RECORD FOR THE
FALLS-OVER PROJECT
ENVIRONMENTAL ASSESSMENT No. OR080-00-17**

Background

The Falls-over stream project is located in the South Fork of the Alsea River, Township 14 South, Range 7 West, Sections 25 and 36, Willamette Meridian, Benton County. The action is proposed to increase the quantity of large wood in the South Fork Alsea river. This action will help to “restore the distribution, diversity, and complexity of watershed and landscape features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted,” one of the objectives identified in the Aquatic Conservation Strategy (ACS) on pages 5-6 of the *Salem District Record of Decision and Resource Management Plan* (RMP, May 1995).

I have reviewed the proposals and alternatives for the Falls-over project and have considered information included in the project Environmental Assessment (EA).

Public Involvement

Individuals from the local watershed and representing the Oregon Department of Fish and Wildlife (ODFW) toured the project area in the Spring of 2001. A description of the proposal was included in the Salem Bureau of Land Management *Project Update*, September 2001 which was mailed to more than 1200 individuals and organizations.

Notice of the EA availability was mailed to approximately forty agencies, individuals and organizations on December 6, 2001. A legal notice was placed in the *Corvallis Gazette-Times* soliciting public input on the action from December 6, 2001 to January 7, 2002. No comment letters were received.

Decision Record

Based on site-specific analysis in the Falls-over EA, the supporting project record, management recommendations contained in the *South Fork Alsea Watershed Analysis* (October 1995), as well as the management direction contained in the *Salem District Resource Management Plan*, I have decided to implement Alternative 1 of the EA with the following change in the design features: no tree greater than 36 inches breast height diameter will be pulled over.

This is in response to U.S. Fish and Wildlife concerns over reduction in the quality of late-successional habitat and the potential affect to marbled murrelet critical habitat as described in the Letter of Concurrence (FWS Log#1-7-02-I-477) dated April 10, 200.

The Oregon Division of State Lands issued a General Authorization for Fish Enhancement (DSL Application Number 24607-GA) for this project on December 12, 2001. All project design features will be implemented as outlined in the EA and as required in the conditions for the General Authorization (OAR 141-89-005[4]).

Decision Rationale

I have reviewed the proposal and alternatives for the accomplishment of the Falls-over project. The affected environment, proposed action and potential environmental consequences of the stream restoration activities are described in the Falls-over Environmental Assessment (EA). The EA and Finding of No Significant Impact (FONSI) were made available for public review from December 6, 2001 to January 7, 2002.

Programmatic documents covering this proposal are the:

Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M ROD, January 2001).

Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (S&M FSEIS, November 2000).

Salem District Record of Decision and Resource Management Plan (RMP, May, 1995).

Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD, April 1994)

Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional Forest Related Species Within the Range of the Northern Spotted Owl (SEIS, February 1994)

The proposed project conforms with and would follow the general management guidance outlined in the RMP. This action will help to “restore the distribution, diversity, and complexity of watershed and landscape features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted;” one of the objectives identified in the Aquatic Conservation Strategy (ACS) on pages 5-6 of the *Salem District Record of Decision and Resource Management Plan*.

The no action alternative was not selected because water quality and fish habitat conditions in this stream are expected to deteriorate further if no action is taken.

Implementation

Implementation of this decision may begin 30 calendar days after the publication of the public notice of this decision. A copy of the decision is available in the public area at the Salem District office. A notice will be placed in the *Corvallis Gazette-Times* notifying the public of the decision on May 20, 2002.

Monitoring

Monitoring for compliance with the EA will be conducted by Marys Peak Resource Area resource specialists during contract administration. Monitoring and evaluations will also be accomplished in compliance with Appendix J of the RMP following completion of the project to ensure that decisions and priorities conveyed by the plan are being implemented, that progress toward identified resource objectives is occurring, that mitigating measures and other management direction are effective in avoiding or reducing adverse environmental impacts.

Right to Appeal


The decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1 (available on the internet). If an appeal is taken, your notice of appeal must be filed in this office within 30 days from the date of publication of this decision. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Responsible Official:  Date: May 15, 2002

For Cindy Enstrom
Field Manager
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Bureau of Land Management
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